

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES **FILED**

2008 MAY 14 PM 2:54

TO: ☒ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE
 FROM: R. Mullin, Deputy Clerk
 CASE NO.: 08cv0325 L (POR) DOCUMENT FILED BY: BY Petitioner
 CASE TITLE: Burton v. Director
 DOCUMENT ENTITLED: Motion for Permission to Appeal in Forma Pauperis

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIARECEIVED DATE: 5/7/2008
DEPUTY

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/> Local Rule	Discrepancy
<input type="checkbox"/> 5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/> 5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/> 5.4	Document not filed electronically. Notice of Noncompliance already issued.
<input type="checkbox"/> 7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input type="checkbox"/> 7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/> 7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/> 7.1	Missing table of contents
<input type="checkbox"/> 15.1	Amended pleading not complete in itself
<input type="checkbox"/> 30.1	Depositions not accepted absent a court order
<input type="checkbox"/>	Supplemental documents require court order
<input type="checkbox"/>	Default Judgment in sum certain includes calculated interest
X	OTHER: Case closed.

28 USC § 1915(a)(3) - was denied; An appeal may not be taken in forma pauperis if the trial court certifies it is not taken in good faith.
 Date forwarded: 5/7/2008
ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED: *Petitioner is admonished again he has until 6/16/08 to reopen this case.*
☐ The document is to be filed nunc pro tunc to date received.
☒ The document is NOT to be filed, but instead REJECTED, and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☒ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: LARRY ALAN BURNS
U.S. DISTRICT JUDGEDated: 5-13-08
cc: All PartiesBy: Phew, Law Clerk

IN THE UNITED STATES DISTRICT COURT
SOUTHERN CALIFORNIA DISTRICT
COUNTY OF SAN DIEGO, CA.

REJECTED

5. FMR ERIC W. BURTON #F02720
6. ON FEDERAL HABEAS CORPUS,
7. PETITIONER
8. V. DIRECTOR, FOR THE CALIFORNIA
9. DEPARTMENT OF CORRECTIONS AND
10. REHABILITATION,
11. RESPONDENT.

CIVIL NO. 08-0325 LAB (POR)

DATE 5-03-08

NOTICE OF MOTION AND MOTION FOR
PERMISSION TO APPEAL IN FORMA

PAUPERIS PURSUANT TO 28 U.S.C. § 1915(a);
28 U.S.C. § 2253(c); SLACK V. MCDANIEL (2002),
120 S. CT. 1597; HOUSTON V. LACK (1988) 108 S. CT. 2379;

1. 4 (B)(1) 28 U.S.C. § 1746 REQUEST FOR EVIDENTIARY HEARING,
AND FOR DISTRICT COURT TO GIVE NOTICE
TO ALL PARTIES INVOLVED IN THIS
INSTANT MATTER.

12. NOW COMES THE PETITIONER, ERIC W. BURTON #F02720 AN INDIGENT STATE PRISONER.
19. NOTICE IS HEREBY GIVEN, TO THE ABOVE LISTED COURT, THE DIRECTOR OF C.D.C.A.,
20. THE ATTORNEY GENERAL, AND ALL PARTIES INVOLVED IN THE INSTANT MATTER.
21. STATEMENT OF CASE AND FACTS:
22. ON OR ABOUT 29 APRIL 08, FOLLOWING A FILED MOTION FOR A STAY AND ABIDANCE,
23. PETITIONER FILED AN NOTICE OF APPEAL AND AN APPLICATION FOR ISSUE OF
24. A CERTIFICATE OF APPEALABILITY (COA) IN THE SOUTHERN DISTRICT COURT
25. OF CALIFORNIA, TIMELY AND IN THE CORRECT JURISDICTION OF HIS UNCONSTITUTIONAL
26. CONVICTION AND SENTENCING. THE PETITIONER IS APPEALING THE HON. JUDGE LARRY
27. ALAN BURNS INCORRECT PROCEDURAL RULING DISMISSING PETITIONERS
28. PROPERLY FILED EXHAUSTED PETITION FOR FEDERAL H.C. RELIEF. AS REASONABLE
29. JURIST WOULD DEBATE WHETHER HIS TIMELY PROPERLY FILED PETITION ON HIS ALLEGED
30. GROUNDS, CONTENTIONS, ISSUES, MEMORANDUM OF POINTS AND AUTHORITIES, ATTACHMENT OF
31. ADDITIONAL GROUNDS, AND CONTENTIONS, REFERENCED REPORTER'S TRANSCRIPTS EXCERPTS, STATE A
32. DENIAL OF CONSTITUTIONAL CLAIMS, AND REASONABLE JURIST WOULD DEBATE WHETHER
33. THE DISTRICT COURT'S PROCEDURAL RULING TO DISMISS THE PETITION WAS FACTUALLY CORRECT.